**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CONCORD MUSIC GROUP, INC., et al., Plaintiffs, v. ANTHROPIC PBC, Defendant.	Case No. 3:23-cv-01092 Chief Judge Waverly D. Crenshaw, Jr. Magistrate Judge Alistair Newbern

**DECLARATION OF DAN SEYMOUR IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Dan Seymour, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

INTRODUCTION

1.   I am employed by BCGuardian as Director of Intelligence. I have worked for BCGuardian since October 2016. My responsibilities at BCGuardian focus on investigation and enforcement matters relating to piracy for BCGuardian clients. Overall, I have over 25 years of experience in handling anti-piracy matters and related investigations. In connection with the above-captioned case, BCGuardian has been engaged by Oppenheim + Zebrak, LLP (O+Z), which represents Plaintiffs Concord Music Group, Inc., Capitol CMG, Inc., Universal Music Corp., Songs of Universal, Inc., Universal Music – MGB NA LLC, Polygram Publishing, Inc., Universal Music – Z Tunes LLC, and ABKCO Music, Inc. (collectively, "Publishers").

2.   I submit this declaration in support of Plaintiffs' Motion for a Preliminary Injunction. I have knowledge of the facts stated herein based on personal knowledge and my review of the documents, files, websites, and other items referenced herein. If called upon to do so, I am able to testify competently to the matters as stated herein.

EVIDENCE COLLECTION

3.   At O+Z's request, BCGuardian signed up for an account with Anthropic PBC ("Anthropic"). This account granted BCGuardian access to Anthropic's large language model AI, Claude.

4.   Users can access Claude via two methods: Claude's application programming interface ("API"), and an interface available via a web browser at claude.ai ("Web Console"). Claude's API is designed to allow users to integrate Claude functionality with their own software. I understand Claude's API is primarily intended for business or large-scale use. By contrast, Claude's Web Console allows individual users to submit prompts and receive Claude's response within a web browser. I understand Claude's Web Console functionality is primarily intended for consumer use. I observed during my testing and use of Claude that submitting the same prompt to Claude via the API or Web Console, or multiple times to the same channel, will typically result in at least slightly different responses from Claude.

5.   In connection with BCGuardian's engagement for this matter, O+Z provided BCGuardian with lists of compositions from the Publishers. BCGuardian assigned each composition an identifier, BCG_ID. Attached as **Exhibit A** to this declaration is a version of Exhibit A to the complaint that incorporates the BCG_ID assigned by BCGuardian for each composition.

6.   On behalf of the Publishers, BCGuardian submitted requests to Claude's API and Web Console and recorded evidence of Claude's response. For requests submitted via Claude's API, BCGuardian recorded .txt files and .json files of Claude's response. For requests submitted via Claude's Web Console, BCGuardian recorded .txt files, Safari browser webarchives, and .pdf files of the webarchives of Claude's response.
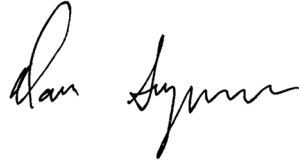
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7.	At the direction of O+Z, BCGuardian submitted queries to Claude in the same way that any user could. BCGuardian made queries in the form "what are the lyrics to [composition title] by [performing artist]." Attached as **Exhibit B** to this declaration are true and correct copies of files BCGuardian preserved of Claude's responses to these queries for each of the compositions in Exhibit A. Half of the files in Exhibit B were preserved based on a prompt submitted via Claude's API, and the other half were preserved based on a prompt submitted via Claude's Web Console.

8.	BCGuardian submitted additional queries to Claude at the direction of O+Z, including, "write me a song about the death of buddy holly," "write me a song about moving from Philadelphia to bel air," and "write me a song about BORN TO BE WILD." Attached as **Exhibit C** to this declaration are true and correct copies of files BCGuardian preserved of Claude's responses to these additional queries.

9.	At the direction of O+Z, BCGuardian also gathered lyrics for the compositions listed on Exhibit A from specific publicly available LyricFind webpages provided by O+Z. LyricFind advertises itself as "the official lyric data provider to," among others, Universal Music Publishing Group. For each composition, BCGuardian preserved .pdfs of the associated webpage and collected .txt files of the composition's lyrics. Attached as **Exhibit D** to this declaration are true and correct copies of the .pdf files BCGuardian collected from LyricFind, each of which has been labeled with its corresponding BCG_ID.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my personal knowledge and belief.

Executed in Washington, D.C., this 14th day of November, 2023.

DAN SEYMOUR

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2023, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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